

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ERNST WOLF DELMA,

Petitioner,

V.

CHARLES GREEN,

Respondent.

Civil Action No. 17-5405 (JMV)

OPINION AND ORDER

APPEARANCES:

ERNST WOLF DELMA
A#077-477-297
Essex County Correctional Facility
354 Doremus Avenue
Newark, NJ 07105
Petitioner, *pro se*

BRYAN K. LONEGAN, Esq.
Office of Immigration Litigation
970 Broad Street
Newark, NJ 07102
On behalf of Respondent

VAZQUEZ, United States District Judge

On July 21, 2017, Petitioner filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 1), challenging his detention since June 17, 2016, by the U.S. Immigration and Customs Enforcement (“ICE”). (ECF No. 1 at 2.) This Court ordered Respondent to answer the petition. (ECF No. 2.) On February 9, 2018, Respondent submitted a form I-203, indicating that Petitioner was released from custody on February 2, 2018, after his proceedings were terminated.

(ECF No. 7-1.) Respondent contends the habeas petition is moot. (ECF No. 7 at 1.)

A habeas petition “generally becomes moot when [a petitioner] is released from custody” because there is no longer “an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.” *Vasquez v. Aviles*, 639 F. App’x 898, 902 (3d Cir. 2016) (quoting *DeFoy v. McCullough*, 393 F.3d 439, 442 (3d Cir. 2005)). The present petition no longer presents a case or controversy under Article III, § 2 of the United States Constitution because Petitioner is no longer detained by ICE. *See id.* (finding petition moot where there were no collateral consequences that could be addressed by success on the petition after removal) (citing *Abdala v. I.N.S.*, 488 F.3d 1061, 1064 (9th Cir. 2007)). Therefore, the petition is dismissed as moot.

IT IS, therefore, on this 13th day of February, 2018

ORDERED that Petitioner’s Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 1) is DISMISSED as moot; and it is further

ORDERED that the Clerk shall serve a copy of this Order on Petitioner at his last known address; and it is further

ORDERED that the Clerk shall close this matter.

s/ John Michael Vazquez
JOHN MICHAEL VAZQUEZ
United States District Judge